

REMARKS/ARGUMENTS

Claims 23-28 have been withdrawn as the result of an earlier restriction requirement. In view of this, Applicants retain the right to present claims 23-28 in one or more divisional applications. The present Amendment amends claims 1, 5, 7, 8, 14-16, and 18-22; cancels claims 2 and 17, and adds new claims 29-32. Upon entry of this Amendment, claims 1, 3-16, 18-22, and 29-32 will be pending. Accordingly, with the additional new claims, the application presents twenty-four (24) total claims of which four are in independent form (claims 1, 15, 31, and 32). With the addition of four claims (two of which are independent) and the cancellation of two claims, Applicants expect an additional claim fee of \$500.00 to be due. For the additional claim fees and any other fees which are deemed necessary following submittal of this Amendment, the undersigned hereby authorizes such fees to be charged to our deposit account, Deposit Account No. 061910.

Applicants have made amendments to certain claims for errors found therein. Claim 5 is amended to strike an erroneous use of the word "the". Claims 16, 18-20, and 21 are amended as the preamble references "the motorcycle" erroneously instead of "the assembly". In addition, Applicants have made amendments to certain claims so that they are consistent with claims which they depend from which are amended by this Amendment. Claim 14 is amended to refer to "fasteners" in a consistent manner with amended claim 1. Claims 18 and 19 are also amended to be consistent with amended claim 15. Further, Applicants have made one claim amendment as the claim as originally filed was inconsistent with Applicants' original intended purpose.

Claim 7 is amended as all “the one or more components” are not required to include a mounting bracket, and “the protruding protrusions” may not all have an aperture located therein.

In the Office Action, Examiner rejects claims 1-22 under U.S.C. 101 as claiming the same invention as that of claims 1-22 of copending Application No. 10/612279. A petition requesting express abandonment of copending Application No. 10/612279 was filed on October 4, 2004 with the U.S. Patent and Trademark Office, and on October 7, 2004, the petition was granted. As such, Applicants believe to have overcome Examiner’s 101 rejection.

In the Office Action, Examiner also rejects claim 8 under U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. With respect to claim 8, Applicants have amended the phrase “can include” to “include” so that the structure that follows is positively claimed. As such, Applicants believe to have overcome Examiner’s 112 rejection.

In the Office Action, Examiner rejects claims 1, 3-10, 15, and 17-21 under 35 U.S.C. 102(b) as being anticipated by Versaw (PGPub 2002/0096859). Examiner states that Versaw shows a motorcycle with a front wheel, rear wheel, rear fender 26 and component 10, where the fender and component are directly connected to the frame 28 (component 10 refers to hitch assembly 10).

Applicants have amended claim 1 providing that the one or more components make contact only with the frame and fasteners that couple the one or more components to the frame. This is not taught in Versaw. In reference to Figure 3 and to Versaw’s description of the internal mount, the hitch assembly 10 is in contact with the fender 26 (Paragraph 0023, fourth sentence). In addition, with respect to Versaw’s description of the external mount, the hitch assembly 10 is

in contact with the fender strut 30 (Paragraph 0023, fourth sentence). As such, Applicants believe that claim 1, as amended, overcomes Examiner's 102(b) rejection in light of Versaw. In turn, Applicants believe Examiner's 102(b) rejections of the other claims (claims 3-10) depending from claim 1 are overcome as well.

Applicants have also amended claim 15 introducing portions which are formed around outer perimeters of one or more of the plurality of holes in the rear frame rails, where such portions axially extend outward a certain distance from the rear frame rails and enable that the only contact between the fender and the rear frame rails is at the portions. There is no teaching of such portions included in Vershaw. In fact, with reference to Figures 3 and 4, if such portions were used, the bolted assembly at 36 including the fender strut 30, the side rib 12 (of the hitch assembly 10), and the fender 26 would not serve as an adequate coupling and support for the hitch assembly, as taught by Versaw (Paragraph 0025, second sentence). Thus, Applicants believe that claim 15, as amended, overcomes Examiner's 102(b) rejection in light of Versaw. In turn, Applicants believe Examiner's 102(b) rejections of the other claims (claims 18-21) depending from claim 15 are overcome as well.

In addition, Examiner rejects claims 8, 11-14, and 22 under 35 U.S.C. 103(a) as being unpatentable over Versaw in view of Sakai (U.S. Patent No. 6,234,266). Examiner states that Sakai shows a motorcycle with a pair of brackets 35 mounted to the rear upper frame 17, and the bracket supports saddlebags 29 and footrests 41 (Figure 1). In addition to what is stated above by Examiner with reference to Versaw above, Examiner further states that Versaw shows bolt connectors (unnumbered) that appear to be received in threaded opening in the frame 17 (Figure 3, element 36). As described above, amendments to claim 15 involve portions being included on

the rear frame rails that are not found in the teachings of Versaw. Applicants also find no such teaching in Sakai. As such, Applicants believe Examiner's 103(a) rejection of the claim 22 depending from claim 15 is overcome with the above described amendments to claim 15.

Applicants have additionally amended claim 1 to provide that the upper portion of the frame is located posterior to the fender and the one or more components. This element is not taught in Sakai as shown in Figure 3, wherein the rear fender 24 is located posterior to the body frame F. Further, referencing Figures 1 and 2, Sakai appears to teach away from having the rear fender 24 located outside the body frame F. As shown, the grab rail 26 and backrest 27 extend off of rear stays 17 which are connected to the body frame F. If the rear stays 17 were located posterior to the rear fender 24 instead, the grab rail 26 and backrest 27 would be passing through the body of the rear fender 24. In addition, one would thereafter need to remove the fender 24 every time the grab rail 26 and backrest 27 were to be removed. As such, Applicants believe that claim 1, as amended, overcomes Examiner's 103(a) rejection in light of Versaw and Sakai. In turn, Applicants believe Examiner's 103(a) rejections of the other claims (claims 8 and 11-14) depending from claim 1 are overcome as well.

With respect to new claims 29 and 30, both depend from claim 1, either directly or through other claims. As such, with amendments made to claim 1 as shown and described above, Applicants believe that claims 29 and 30 cannot be rejected in light of Versaw. Further, claims 31 and 32 contain all the elements of originally filed claim 1, yet incorporate elements that are not shown by Versaw. With respect to claim 31, the one or more components and the fender are each coupled to the upper rear portion of the frame with separate fasteners. With respect to claim 32, one or more covers are each coupled to the upper rear portion of the frame,

and the one or more covers are adapted to mask the mounting connections made between the upper rear portion of the frame and both of the fender and the one or more components. As such, Applicants believe claims 31 and 32 cannot be rejected in light of Versaw. Favorable consideration and prompt allowance of the application are respectfully requested.

Applicants believe that no new matter will be introduced by entry of these amendments and that the amendments are fully supported by the specification and application as a whole. Applicants have amended the claims solely to advance prosecution of this application and to obtain the allowance of claims at the earliest possible date. No admission should be inferred by these amendments. Applicants reserve the right to prosecute the originally filed claims in a continuation application.

In light of the above, Applicants submit that the present rejections should be withdrawn and prompt allowance of this application is respectfully requested. If the Examiner feels that prosecution of the present application can be materially advanced by a telephonic interview, the undersigned would welcome a call at the number listed below.

Respectfully submitted,



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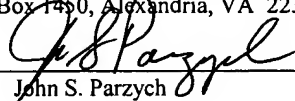
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